

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
AT KANSAS CITY**

BILLIE RODRIGUEZ, DANIEL ERWIN,  
MICHAEL B. ACKERMAN, and KYLE  
FOREMAN, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

Case No. 4:24-cv-00803-SRB

EXXON MOBIL CORPORATION,  
CHEVRON USA INC., CHEVRON PHILLIPS  
CHEMICAL CORPORATION, DUPONT de  
NEMOURS, INC., DUPONT  
CORPORATION, CELANESE  
CORPORATION, DOW INC., DOW  
CHEMICAL COMPANY, EASTMAN  
CHEMICAL COMPANY,  
LYONDELLBASELL INDUSTRIES N.V., and  
AMERICAN CHEMISTRY COUNCIL,

Defendants.

**SPECIALLY APPEARING DEFENDANT**  
**EXXON MOBIL CORPORATION'S MOTION TO TRANSFER VENUE**

Specially Appearing Defendant Exxon Mobil Corporation ("ExxonMobil")<sup>1</sup>, by and through its undersigned counsel, hereby makes this special appearance and moves this Court for an order transferring venue to the United States District Court for the District of Kansas pursuant to the first-filed rule.

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<sup>1</sup> Exxon Mobil Corporation specially appears only to contest venue via the first-filed rule. By filing this motion, ExxonMobil does not concede jurisdiction is proper in the District of Kansas or the Western District of Missouri, and the instant motion does not prevent ExxonMobil from subsequently filing 12(b) motions in either forum, including but not limited to motions challenging personal jurisdiction under 12(b)(2). ExxonMobil explicitly preserves all defenses under Rule 12(b) and intends to file such motions after the appropriate forum is determined. See Fed. R. Civ. P. 12(h)(1). *Lewis & Clark Reg. Water Sys., Inc. v. Carstensen Contracting, Inc.*, 355 F. Supp. 3d 880 (D.S.D. Dec. 31, 2018); *Dekalb Genetics Corp. v. Syngenta Seeds, Inc.*, No. 4:06CV01191-ERW, 2007 WL 1223510, at \*5 (E.D. Mo. Apr. 24, 2007).

In support of this Motion, ExxonMobil incorporates herein and relies upon its Suggestions in Support filed contemporaneously with this Motion.

WHEREFORE, ExxonMobil respectfully requests that this Court grant its motion to transfer venue from the United States District Court for the Western District of Missouri to the United States District Court for the District of Kansas.

Dated: December 22, 2024

Respectfully submitted,

**LATHROP GPM LLP**

By: /s/ Richard N. Bien

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on December 22, 2024, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to counsel of record.

/s/ Richard N. Bien  
Richard N. Bien  
*An Attorney for Exxon Mobil Corporation*